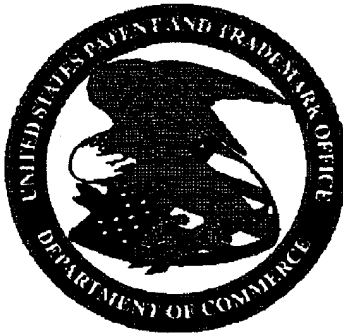


AUG 16 2004



## UNITED STATES PATENT AND TRADEMARK OFFICE

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37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

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Eugene Lieberstein  
(212) 278-1307  
elieberstein@andersonkill.com**URGENT FAX**  
**PLEASE DELIVER IMMEDIATELY****TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 5**

**TO:** Examiner SNEDDEN  
United States Patent Office

**FAX NO.:** 1-571-273-0959

**FROM:** Eugene Lieberstein, Esq.

**DATE:** August 16, 2004

**TIME:** 11:43 AM

**C/M:** 10474/AAK01

**MESSAGE:** **U.S. SN: 09/910,208 – HITOMI, et al – Filed: July 20, 2001**

Examiner Snedden:

Further to your telephone call of today, Monday August 16, 2004, in relation to the above-identified application, please find attached a copy of our response to the Restriction Requirement as well as a copy of our return receipt postcard and a copy of the facsimile we sent your earlier.

If you have any further questions on this matter, please contact Eugene Lieberstein at telephone number 212-278-1307.

Thank you.

Maggie McGarry

**ANDERSON KILL & OLICK, P.C.**

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TO: Examiner SNEDDEN FAX NO.: 1-703-746-3975  
United States Patent Office  
FROM: Maggie McGarry  
On Behalf Of Eugene Lieberstein, ESQ. *Phone 571 272 0959*  
DATE: December 4, 2003 C/M: 10474/AAK01

MESSAGE: Re: U.S. SN 09/910,208 - HITOMI, et al - Filed: July 20, 2001

***PLEASE GIVE THIS FAX TO EXAMINER SNEDDEN***

Examiner Snedden:

Further to your telephone conversation of today with Eugene Lieberstein regarding the above-identified application, please find attached another copy of the response to the Restriction Requirement dated April 18, 2003 which was filed in the Patent Office on May 21, 2003 with a one-month extension of time. Also attached is a copy of our return receipt postcard stamped by the Patent Office as received on May 23, 2003.

If you have any questions, please call Mr. Lieberstein at 212-278-1307.

Thank you for your assistance in the matter.

Maggie McGarry

AUG. 16. 2004 12:27PM

ANDERSON KILL OLICK P. C.

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AUG 16 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN THE MATTER OF:

HITOMI, et al

GROUP: 1653

SERIAL NO.: 09/910,208

EXAMINER: MAYES, Laurie A

FILED: JULY 20, 2001

FOR: NOVEL CALCIUM-BINDING PROTEINS

RESPONSE

Assistant Commissioner of Patents  
& Trademarks  
Washington, DC 20231

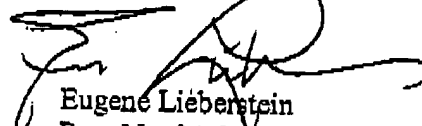
S I R:

This is in response to the Office Communication dated April 18, 2003.  
Please charge any requisite fees to Deposit Account 01-1944.

In response to the Restriction Requirement under 35 USC 121 applicant  
does not wish to change the election of Group II, now Group III inclusive of claims 18 -  
24 drawn to an antibody and an assay method using an antibody.

Applicant further acknowledges that original Group I has been subdivided into Groups I and II. Accordingly, applicant reserves the right to file a divisional application directed to Group I and/or Group II inclusive of claims 1 - 17.

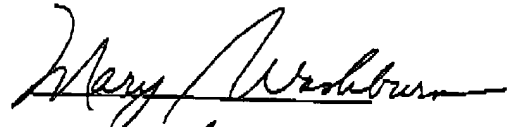
Respectfully submitted,

  
Eugene Lieberstein  
Reg. No. 24,643

ANDERSON, KILL & OLICK  
1251 Avenue of the Americas  
New York, New York 10020-1182  
(212) 278-1000

#### MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner of Patents & Trademarks, Washington, DC 20231 on May 21, 2003.

  
Date: May 21, 2003

Hon. Commissioner for Patents & Trademarks:  
Date stamp as acknowledgement of receipt of:

Response w/mail cert. paragraph  
Authorization to charge fees to Deposit Acct.

Applicant: HITOMI, et al -  
SN: 09/910,208 - Filed: July 20, 2001  
For: NOVEL CALCIUM-BINDING PROTEINS  
Due: May 18, 2003  
Our Docket No: MM4454  
MAILED: May 21, 2003

NYDOCS1-684753.1

